

LFC Requester:	TRAVIS DULANY
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original ☒ **Amendment** ☐
Correction ☐ **Substitute** ☐

Date January 21, 2016
Bill No: HJR6-305

Sponsor: Rep. Sharon Clahchischilliage
Short STATE FUNDS FOR
Title: TRIBAL COLLEGES, CA

Agency Code: 305
Person Writing Jose Puentes, AAG
Phone: 827-6021 **Email** jpuentes@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

House Joint Resolution 6 proposes to amend Article 4, Section 31 and Article 12, Section 3 of the Constitution of New Mexico to authorize state appropriations for tribal colleges. A "tribal college" is defined as "a tribally, federally, or congressionally chartered post-secondary educational institution located in New Mexico that is accredited."

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The amendments to HJR 6 may not align with Article 9, Section 14, of "the Anti-Donation Clause," which states the following:

Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through G of this section.

Since a tribal college could be considered a "public or private corporation," it may be necessary to amend Art. 9, Sec. 14 to specifically exempt tribal colleges from the prohibition outlined above. Furthermore, since Article 9, Section 14 is also a constitutional provision if passed HJR 6 could ultimately place two constitutional provisions in tension with each other.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A